

To whom it may concern,

I am a resident of Montana and am a federal officer with the department of homeland security. I am an avid bow hunter and would like to preface my following comments by saying that I greatly appreciate the vast hunting opportunities that this great state has to offer. The variety and abundance of wildlife are virtually unrivaled anywhere else in the country, as is the beauty of the landscape. I consider it a privilege to be able to hunt this state and do not want my comments to seem lacking respect and gratitude, but I feel that they are important to the further promotion of both ethical and moral hunting values and tradition.

Per SB 104, 2001 Legislature,

"A person who purposely, knowingly, or negligently permits a dog to chase, stalk, pursue, attack, or kill hooved game animals is guilty of a misdemeanor and is subject to the penalty in 87-1-102(1). If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable, unless it is shown that at the time of the violation the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large."

I fully understand the need to control and regulate dogs, and that the state seems to be trying to prevent the use of dogs in the aiding of hunting and chasing deer which some states allow, as well as prevent the harassment of hooved animals by dogs. I would like to state that I am in full agreement with this purpose. Unfortunately according to this law, there is no delineation between using a trained dog to ethically and responsibly blood trail a wounded deer for the purpose of tagging and recovery, and a dog that is allowed to knowingly or negligently harass deer without an ethical purpose, and run amock creating problems within the field. I have been bow hunting for many years now, and have had experience in seeing others, and myself as well, lose deer that were mortally wounded, and were never recovered due to the lack of sufficient evidence and sign to locate the downed animal. It is rest assured that had there been a trained, controlled dog at the time of loss, the chance of a much more favorable outcome would be tremendously higher. This is not to say that I have not seen cases that an animal was not fatally wounded, and had sustained a mere flesh wound, but it is not always possible to know that for sure on the amount of evidence at the present time, and what may seem like a superficial wound may very well not be the case. As someone who has worked with dogs in other states in order to locate wounded deer, I have found that if the animal has sustained only a superficial hit, and there is little to no amount of blood present, the

canine will lose interest and not continue following it indefinitely. The hunter as well will soon realize that the originating shot was not lethal, and will discontinue the tracking, so as not to unfairly and unethically pursue an otherwise healthy animal.

I firmly believe that it is only ethical and moral, that an individual pursuing big game should be legally afforded every reasonable means to locate a wounded animal, and avoid the waste of game that he or she may have wounded. Please understand that I am not in any way advocating the use of a dog to find big game before a wound may be inflicted, nor the use of a dog to find and chase an animal that has sustained a superficial wound in the hope of another shot opportunity, nor the use of a dog to chase, attack, or stalk deer for any reason other than blood trailing one that has been wounded. In contrary I am trying to show that the use of a trained, controlled dog for the express purpose of blood trailing a wounded animal is an excellent way to stem the wasteful loss of animals that were legally pursued and have been wounded. As a hunter there is no worse feeling than losing an animal that you are sure sustained a fatal hit, and although you have searched hi and low, it cannot be found, and will most assuredly be wasted. Although it is a hunters moral responsibility to do their best to take only responsible shots, be proficient and practiced with their weapon of choice, and make quick, clean, and humane kills, there are unfortunate instances when for one reason or another, a shot is misplaced and an animal runs off and leaves little or no visible sign to follow. In these cases there are many times when the animal if given a proper amount of time, will find cover and lay down. After a while the animal will expire. The problem is, that although one may do their best to recover the expired animal there are times when it is virtually impossible, in which case the aid of a canine significantly increases the probability of the expired animal being recovered.

At this point I would like to state the irony in the fact that as a society we put our trust in canine units to detect drugs, bombs, and other contraband, yet in the case that I am presenting, we do not allow them to detect and recover wounded, expired hooved game. I would also like to point out that it is legal here in Montana to use dogs to hunt, chase, stalk, and pursue upland game birds, rabbits, raccoons, and general varmints, so should it not also be allowed to utilize their great natural sense of smell, so that a hunter may either come to realize beyond reasonable doubt that the animal was not lethally shot, or find the animal that without the aid of the dog would have otherwise gone to waste? At the very least in this all too common occurrence, could not the case be made that a very

diligent and responsible effort was made to locate the wounded animal? Would not also an attempt such as this be better than having wild dogs or coyotes find the animal as opposed to a well organized search and recovery effort by a hunter and a trained, controlled canine?

I **IMPLORE** the state of Montana to amend the aforementioned law and make a distinction and exception for the use of a well controlled canine to search for wounded **hoofed** animals. I acknowledge that there is always the possibility that there are those individuals who may abuse the privilege that this amendment would afford, by using their dogs illegally, but would remiss if I did not point out that those types of people would and do abuse the law no matter what the law may already state. An amendment such as the one I am requesting, would ensure the best possible chance to make a good and fair recovery of wounded game, and would be fair to both the hunter and the game he pursues. I believe that it would be appropriate to state that the provision for using a canine in such a fashion must be that the dog is controlled by either leash or electronic controlled stimulation device, such as is of a common use with bird dogs, and must be under the control of the trainer/owner. It may also be appropriate to possibly make one of the requirements that handlers must be certified and licensed through the state, and demonstrate control and skill of the dog for the intended purpose of blood trailing. **Please** understand that I am trying to benefit both the hunter and the prey, and am only trying to champion ethical responsibility, and make aware that this kind of amendment would only further good stewardship of our wonderful natural resources.

I have attached a scientific study related to this matter, which is an excerpt taken from www.deersearch.org which may be a valuable website to visit when considering the above mentioned request. I am requesting that a bill be introduced to amend the law to allow for blood trailing dogs, and trust and hope that I have outlined my petition in an equitable fashion, and with the most sincerest of humility. I can only trust that those who make the final decision regarding this situation will use good conduct and reasoning, and seriously consider this request of amendment to the current law. Thank you so much for your time in this matter.

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"Interesting enough, as I researched some data I discovered that, although specific conditions apply, a total of 17 states (mainly in the Southeast) and three Canadian provinces allow the use of dogs for tracking wounded deer. Considering that the loss of one wounded deer is one too many, the idea of allowing tracking dogs may warrant more investigation.

Searching the scientific literature I came across a South Carolina study conducted by Richard Morton to determine the efficiency of archery equipment in conjunction with tracking dogs. In his study, 22 experienced archers shot 61 deer (29 bucks, 29 does, 3 fawns). Twenty of the deer (32.8 percent) fell within sight of the hunters. If bow hunters didn't see their deer fall, the services of a trained tracking dog were utilized one hour after the shot. In total, 60 out of the 61 deer (98 percent) were found within 24 hours of being shot. The one deer that wasn't recovered was reportedly hit in a non-vital area.

Morton also found that most deer reacted to being shot by taking off with their tails down (72 percent) and left a blood trail (68 percent), blood spots (23 percent), rumen material (5 percent), bone fragments (2 percent), meat (1 percent), and hair (1 percent). The average distance traveled by a shot deer was 109 yards. Most deer were not spooked (96 percent) during the search. In fact, 95 percent of the harvested deer were found dead. It took an average of 30 minutes to recover a deer once the dogs were released and 95 percent were found within 4 hours.

Morton concluded, "Our results do confirm that archery hunting can be a highly efficient means of harvesting white-tailed deer when shot selection and shooting skills are emphasized and using trailing dogs is required as part of an organized management approach."

Another study in South Carolina by Charles Ruth, Deer Project Supervisor for the South Carolina DNR, also reflected the benefits of using trained dogs. Hunters in this study used rifles rather than bows. As in Morton's study, trained tracking dogs were brought in to recover animals that ran beyond the hunters' sight. A total of 493 deer were harvested - 305 bucks and 188 does. Ruth determined that trained trailing dogs deserved credit for the recovery of 15 to 20 percent of all those deer.

Both of these studies point out that dogs can be very beneficial and Morton's study once more prove the lethality of bow and arrows. The most obvious benefits in using dogs are in searching the woods for wounded deer when there is no blood or other signs to follow, or when conditions such as darkness; rain or snow; rough/dense terrain; or water/wetlands enter the picture."

C.J. Winand- Outdoor writer: an excerpt taken from www.deersearch.org